



US Army Corps  
of Engineers  
Alaska District

# Public Notice of Application for Permit

Regulatory Branch (1145b)  
Post Office Box 6898  
Elmendorf AFB, Alaska 99506-6898

PUBLIC NOTICE DATE: 7 December 2006

EXPIRATION DATE: 8 January 2007

REFERENCE NUMBER: POA-1984-195-M

WATERWAY: Halibut Cove

## \*\*\* Partial After-the-Fact \*\*\*

Interested parties are hereby notified that an application has been received for a Department of the Army permit for certain work in waters of the United States as described below and shown on the attached plan.

APPLICANT: Mr. Kjetil Solberg, Post Office Box 1884, Adak, AK 99546-1884. Telephone: (907) 592-4193. Agent: Mr. Clem Tillion, Post Office Box 6409, Halibut Cove, AK 99603-6409. Telephone: (907) 296-2207.

LOCATION: Ismailof Island, Halibut Cove, Elmer's Subdivision, within SW ½ of SW ¼ of Section 6, T. 7 S., R. 11 W., Seward Meridian; near Seldovia, Alaska (59.5950° North Latitude and -151.2281° West Longitude).

WORK: After-the-fact authorization for a 120'X 10' extension to an existing boardwalk. New construction consists of a 10' x 60' extension to the after-the-fact boardwalk, a 16' x 20' dock (platform) at the end of the boardwalk extension, a 8' x 60' ramp, and two new 10' x 40' pontoon floats. The base will consist of the old creosote treated pilings from the city dock in Homer. The remaining lumber will be treated with chromated copper arsenate from Spenard Building Supply.

ADDITIONAL INFORMATION: This action was previously public noticed on August 4, 2005, under the same Department of the Army number POA-1984-195-M, Halibut Cove. Due to a change in the project design (larger and longer structure) it is being re-public noticed. All previous comments that were received under the previous public notice will be considered for this Public Notice.

PURPOSE: Property access, personal recreation.

MITIGATION: No specific mitigation efforts to reduce impacts to the aquatic environment have been proposed.

COASTAL ZONE MANAGEMENT ACT CERTIFICATION: Section 307(c)(3) of the Coastal Zone, Management Act of 1972, as amended by 16 U.S.C. 1456(c)(3), requires the applicant to certify that the described activity affecting land or water uses in the Coastal Zone complies with the Alaska Coastal Management Program.

A permit will not be issued until the Office of Project Management and Permitting, Department of Natural Resources has concurred with the applicant's certification.

PUBLIC HEARING: Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider this application. Requests for public hearings shall state, with particularity, reasons for holding a public hearing.

CULTURAL RESOURCES: The latest published version of the Alaska Heritage Resources Survey (AHRS) has been consulted for the presence or absence of historic properties, including those listed in or eligible for inclusion in the National Register of Historic Places. There is an unevaluated property in the vicinity of the worksite. It has been designated SEL-00110. Because the property has been determined to be outside of the project area, no further action is required. Consultation of the AHRS constitutes the extent of cultural resource investigations by the District Engineer at this time. This application is being coordinated with SHPO. Any comments SHPO may have concerning presently unknown archeological or historic data that may be lost or destroyed by work under the requested permit will be considered in our final assessment of the described work.

TRIBAL CONSULTATION: The Alaska District fully supports tribal self-governance and government-to-government relations between the Federal government and Federally recognized Tribes. This notice invites participation by agencies, Tribes, and members of the public in the Federal decision-making process. In addition, Tribes with protected rights or resources that could be significantly affected by a proposed Federal action (e.g., a permit decision) have the right to consult with the Alaska District on a government-to-government basis. Views of each Tribe regarding protected rights and resources will be accorded due consideration in this process. This Public Notice serves as notification to the Tribes within the area potentially affected by the proposed work and invites their participation in the Federal decision-making process regarding the protected Tribal right or resource. Consultation may be initiated by the affected Tribe upon written request to the District Engineer during the public comment period.

ENDANGERED SPECIES: The project is within the known or historic range of the Steller's eider. Preliminarily, the described activity will not affect threatened or endangered species, or their critical habitat designated as endangered or threatened, under the Endangered Species Act of 1973 (87 Stat. 844). This application is being coordinated with the U.S. Fish and Wildlife Service and the National Marine Fisheries Service. Any comments they may have concerning endangered or threatened wildlife or plants or their critical habitat will be considered in our final assessment of the described work. No threatened or endangered species are known to use the project area.

ESSENTIAL FISH HABITAT: The proposed work is being evaluated for possible effects to Essential Fish Habitat (EFH) pursuant to the Magnuson Stevens Fishery Conservation and Management Act of 1996 (MSFCMA), 16 U.S.C. *et seq* and associated federal regulations found at 50 CFR 600 Subpart K. The Alaska District includes areas of EFH as Fishery Management Plans. We have reviewed the January 20, 1999, North Pacific Fishery Management Council's Environmental Assessment to locate EFH area as identified by the National Marine Fisheries Service (NMFS).

We have determined that the described activity may adversely affect EFH. This Public Notice initiates consultation requirements with the NMFS under the

MSFCMA. We have insufficient information at this time to assess the cumulative effects of the proposed work on EFH, but cumulative effects will be considered in our final assessment of the described work. Any conservation recommendations regarding EFH for federally managed fish will also be considered in our final assessment of the described work. This proposed project may also adversely affect associated species such as major prey or predator species which are not covered by Fishery Management Plans.

SPECIAL AREA DESIGNATION: Kachemak Bay Critical Habitat Area.

EVALUATION: The decision whether to issue a permit will be based on an evaluation of the probable impacts including cumulative impacts of the proposed activity and its intended use on the public interest. Evaluation of the probable impacts, which the proposed activity may have on the public interest, requires a careful weighing of all the factors that become relevant in each particular case. The benefits, which reasonably may be expected to accrue from the proposal, must be balanced against its reasonably foreseeable detriments. The decision whether to authorize a proposal, and if so, the conditions under which it will be allowed to occur, are therefore determined by the outcome of the general balancing process. That decision should reflect the national concern for both protection and utilization of important resources. All factors, which may be relevant to the proposal, must be considered including the cumulative effects thereof. Among those are conservation, economics, aesthetics, general environmental concerns, wetlands, cultural values, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shore erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership, and, in general, the needs and welfare of the people. For activities involving 404 discharges, a permit will be denied if the discharge that would be authorized by such permit would not comply with the Environmental Protection Agency's 404(b)(1) guidelines.

Subject to the preceding sentence and any other applicable guidelines or criteria (see Sections 320.2 and 320.3), a permit will be granted unless the District Engineer determines that it would be contrary to the public interest.

The Corps of Engineers is soliciting comments from the public; Federal, State, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

Comments on the described work, with the reference number, should reach this office no later than the expiration date of this Public Notice to become part of the record and be considered in the decision. Please contact Mr. Daniel L. Smith at (907) 753-2715, toll free from within Alaska at (800) 478-2712, or by email at Daniel.L.Smith@poa02.usace.army.mil if further information is desired concerning this notice.

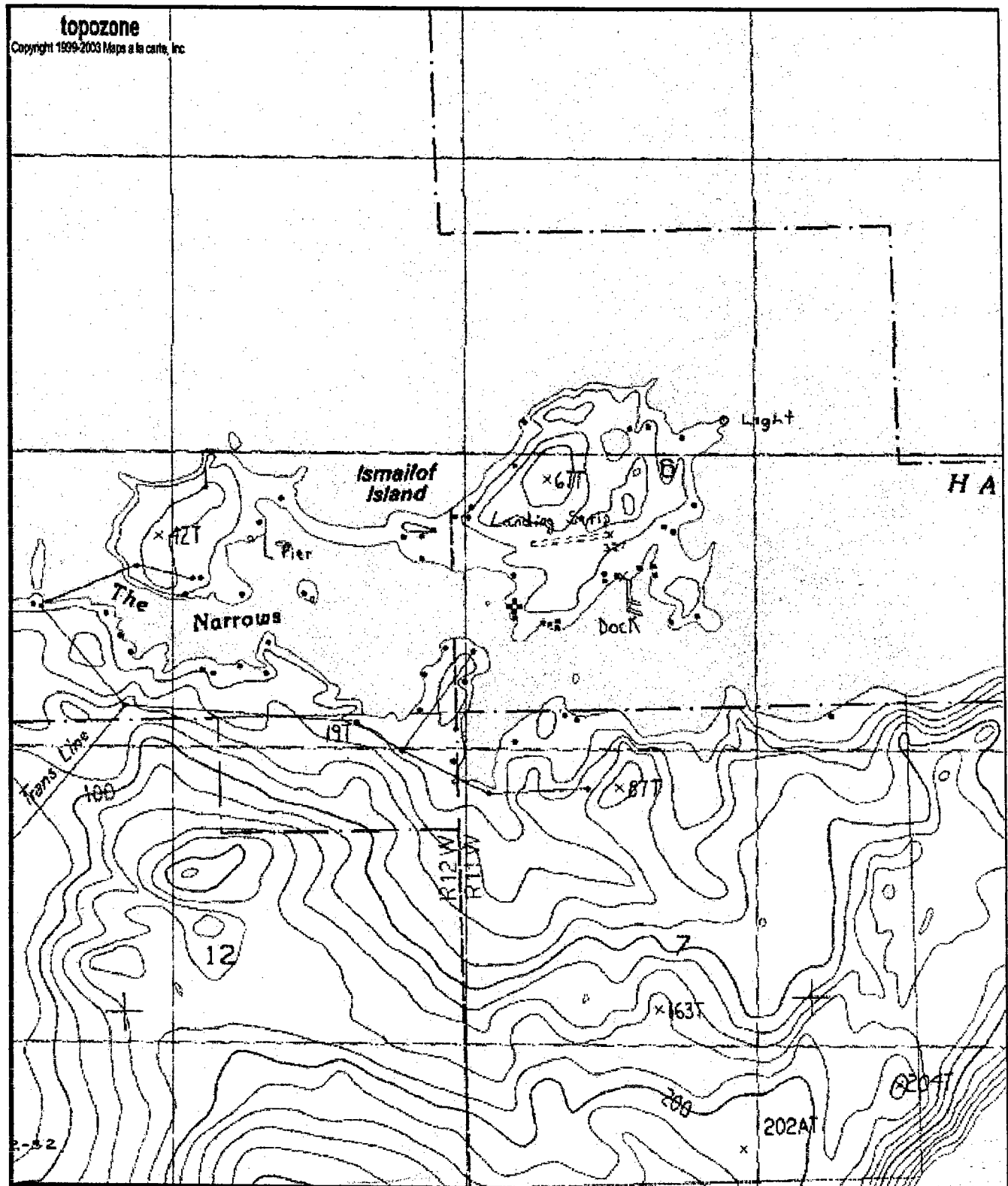
AUTHORITY: This permit will be issued or denied under the following authorities:

(X) Perform work in or affecting navigable waters of the United States - Section 10 Rivers and Harbors Act 1899 (33 U.S.C. 403).

A plan and Notice of Application for Certification of Consistency with the Alaska Coastal Management Program are attached to this Public Notice.

District Engineer  
U.S. Army, Corps of Engineers

Attachments

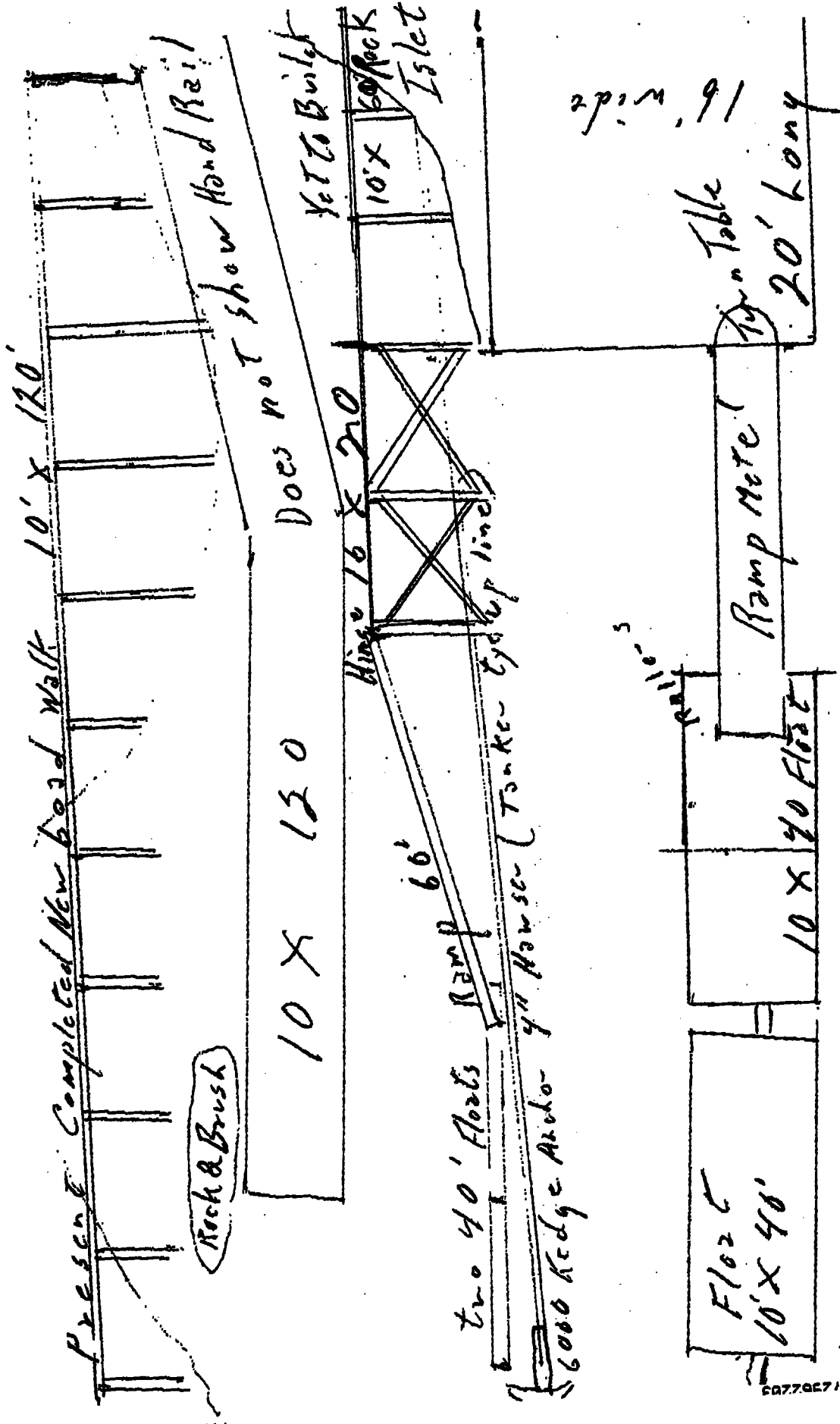


0 0.3 0.6 0.9 1.2 1.5 km  
0 0.2 0.4 0.6 0.8 1 mi

Map center is 59.5950°N, 151.2281°W (WGS84/NAD83)  
**Seldovia C-4 SE quadrangle**  
Projection is UTM Zone 5 NAD83 Datum

\* M  
G  
M=19.892  
G=1.529

PPA-1984-195  
8/1/05  
Sheet 1 of 2



Not to Scale

To be built two 40' Flats 60' Ramp 16' x 20' Dock  
60' x 10' board walk inner end

POA-1984-195  
11/8/06  
Sheet 2 of 2

FRANK H. MURKOWSKI, GOVERNOR

# STATE OF ALASKA

OFFICE OF THE GOVERNOR

**DEPARTMENT OF NATURAL RESOURCES  
OFFICE OF PROJECT MANAGEMENT AND PERMITTING**

ALASKA COASTAL ZONE MANAGEMENT  
550 WEST 7<sup>TH</sup> AVENUE, SUITE 1660  
ANCHORAGE, ALASKA 99501-3568

**NOTICE OF APPLICATION  
FOR  
CERTIFICATION OF CONSISTENCY WITH THE  
ALASKA COASTAL MANAGEMENT PROGRAM**

Notice is hereby given that a request is being filed with the Office of Project Management and Permitting for a consistency determination, as provided in Section 307(c)(3) of the Coastal Zone Management Act of 1972, as amended [16 U.S.C. 1456(c)(3)], that the project described in the Corps of Engineers Public Notice No. POA-1984-195-M, Halibut Cove, will comply with the Alaska Coastal Management Program and that the project will be conducted in a manner consistent with that program.

The Office of Project Management and Permitting requests your comments, particularly on the proposed project's consistency with the affected local coastal district management program. For more information on the consistency review contact OPMP at (907) 269-7470 or (907) 465-3562, or visit the ACMP web site at <http://www.gov.state.ak.us/gdc/Projects/projects.html>.